

**Title 20-A: EDUCATION**  
**Chapter 501: CERTIFICATION AND REGISTRATION OF TEACHERS**

**Table of Contents**

**Part 6. TEACHERS.....**

Section 13001. DUTIES OF THE STATE BOARD (REPEALED)..... 3

Section 13002. DUTIES OF THE COMMISSIONER (REPEALED)..... 3

Section 13003. MANDATORY CERTIFICATION; PENALTY..... 3

Section 13004. LIST OF PERSONS CERTIFIED; RECORDS CONFIDENTIAL..... 4

Section 13005. REGISTRATION; LIST FURNISHED; FEE (REPEALED)..... 5

Section 13006. CLERICAL ASSISTANCE; DISPOSITION OF FEES..... 6

Section 13007. CERTIFICATION FEE; DISPOSITION OF FEES..... 6

Section 13008. EDUCATOR PREPARATION PROGRAM DATA..... 7



**Maine Revised Statutes**  
**Title 20-A: EDUCATION**  
**Chapter 501: CERTIFICATION AND REGISTRATION OF TEACHERS**

**§13001. DUTIES OF THE STATE BOARD**

*(REPEALED)*

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 470, §§6-10 (AMD). 1983, c. 845, §1 (RP).

**§13002. DUTIES OF THE COMMISSIONER**

*(REPEALED)*

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 845, §2 (RP).

**§13003. MANDATORY CERTIFICATION; PENALTY**

**1. Certification.** A person must be certified by the commissioner under this chapter or chapter 502 in order to:

A. Teach in any public elementary or secondary school in the State; or [1981, c. 693, §§ 5, 8 (NEW).]

B. Teach in any private school receiving basic approval under section 2901. [1981, c. 693, §§ 5, 8 (NEW).]

[ 1983, c. 845, §3 (AMD) .]

**2. Penalty.** A person not certified under section 13001 is barred from receiving any salary or fringe benefits if he or she teaches or performs any other professional function in a public school and:

A. He or she has never held the required certificate; or [1983, c. 806, §91 (AMD).]

B. He or she knew or should have known that his or her certificate had expired. Prima facie evidence of that knowledge would be records on file in either the department or the employing school administrative unit that he or she was notified that his or her certificate had lapsed or that it would be lapsing on a given date. [1983, c. 806, §91 (AMD).]

The person shall forfeit to the employing school administrative unit any salary or fringe benefits received in violation of this subsection.

[ 1983, c. 806, §91 (AMD) .]

**3. Exception.** This section does not apply to teachers in secondary schools approved under section 2901, subsection 2, paragraph A.

[ 1981, c. 693, §§ 5, 8 (NEW) .]

**4. Rules.** The state board may adopt rules to carry out this section.

[ 1981, c. 693, §§ 5, 8 (NEW) .]

#### SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 39, §2 (AMD). 1983, c. 806, §91 (AMD). 1983, c. 845, §3 (AMD).

### §13004. LIST OF PERSONS CERTIFIED; RECORDS CONFIDENTIAL

**1. Records.** The commissioner shall keep a list of certified teachers. This list shall be a public record. The commissioner shall send copies of the list to school boards and superintendents on their request.

[ 1981, c. 693, §§5, 8 (NEW) .]

**2. Records confidential.** Transcripts, recommendations and other documents submitted in support of an application for certification or collected by the department for verification of certification records and maintained in the office of the commissioner shall be confidential. They may only be made available to the following:

- A. School boards and superintendents; [1981, c. 693, §§5, 8 (NEW) .]
- B. Authorized personnel of the department in fulfilling assigned duties; and [1981, c. 693, §§5, 8 (NEW) .]
- C. Individuals and their representatives who request to examine their own records. [1981, c. 693, §§5, 8 (NEW) .]

[ 1983, c. 806, §92 (AMD) .]

**2-A. Confidentiality.** The provisions of this subsection govern confidentiality. For the purposes of this subsection, the term "certification" means certification, authorization or approval under this chapter and chapter 502.

A. Complaints and responses pursuant to section 13020 and any other information or materials that may result in an action to deny, revoke or suspend certification are confidential, except when submitted in court proceedings to revoke or suspend certification. [2009, c. 331, §1 (NEW) .]

B. Except for information designated confidential under section 6101 or section 6103, information designated confidential under paragraph A may be released or used by the department as necessary to:

- (1) Complete its own investigations;
- (2) Provide information to a national association of state directors of teacher education and certification to which the State belongs;
- (3) Assist other public authorities to investigate the same teacher's certification in another jurisdiction;
- (4) Report or prevent criminal misconduct or assist law enforcement agencies in their investigations; or
- (5) Report child abuse or neglect under Title 22, section 4011-A. [2009, c. 331, §1 (NEW) .]

C. The department may publish and release as public information statistical summaries of complaints and dispositions as long as the release of such information does not jeopardize the confidentiality of individually identifiable information. [2009, c. 331, §1 (NEW) .]

D. Notwithstanding paragraph A, the following information concerning final written decisions relating to disciplinary action taken by the commissioner against a person holding certification is a public record:

- (1) The name of the person;
- (2) The type of action taken, consisting of denial, revocation, suspension, surrender or reinstatement;
- (3) The grounds for the action taken;
- (4) The relevant dates of the action;
- (5) The type of certification and endorsements held, including relevant dates;
- (6) The schools where the person was or is employed; and
- (7) The dates of employment. [ 2009, c. 567, §10 (NEW) .]

[ 2009, c. 567, §10 (AMD) .]

**2-B. Teacher addresses.** Home addresses held by the department of teachers certified to teach in the State may be made available in response to the following:

A. Formal request from a commissioner or chief executive officer of other state agencies, including the judicial branch when access to that information may be necessary in carrying out an official function; and [1987, c. 395, Pt. A, §86 (NEW) .]

B. Formal request by majority vote of any joint standing committee of the Legislature when access to that information may be necessary in carrying out an official function. [1987, c. 395, Pt. A, §86 (NEW) .]

The use of these addresses by any other agency or department of government to which they may be furnished shall be limited to the purposes for which they are furnished and by the law under which they may be furnished. It shall be unlawful for any person to solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquiesce in the use of, any list of or names of, or any information concerning, persons applying for or receiving assistance, directly or indirectly, derived from the records, papers, files or communications of the State or subdivisions or agencies, or acquired in the course of the performance of official duties. Any person violating this subsection shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

[ 1987, c. 395, Pt. A, §86 (NEW) .]

**3. Duplication costs.** Individuals requesting copies of their records shall bear the costs of copying them.

[ 1981, c. 693, §§5, 8 (NEW) .]

**4. Rules.** The state board may adopt rules to carry out this section.

[ 1981, c. 693, §§5, 8 (NEW) .]

#### SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 470, §11 (AMD). 1983, c. 806, §92 (AMD). 1987, c. 395, §A86 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 666, §1 (AMD). 2009, c. 331, §1 (AMD). 2009, c. 567, §10 (AMD).

### **§13005. REGISTRATION; LIST FURNISHED; FEE (REPEALED)**

#### SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1997, c. 266, §14 (RP).

## §13006. CLERICAL ASSISTANCE; DISPOSITION OF FEES

**1. Rules.** The commissioner may adopt or amend rules for carrying out section 13004 and for obtaining information required as to the experience, qualifications and character of persons seeking employment as teachers. A teacher may be eligible for consideration for employment only so long as the teacher complies with these rules.

[ 1981, c. 693, §§ 5, 8 (NEW) .]

**2. Accounting.** The commissioner shall:

A. Collect and give a receipt for all registration fees; and [1981, c. 693, §§ 5, 8 (NEW) .]

B. Report and pay these fees to the Treasurer of State. These fees shall be credited to the General Fund. [1981, c. 693, §§ 5, 8 (NEW) .]

[ 1981, c. 693, §§ 5, 8 (NEW) .]

**3. Clerical assistants.** The commissioner may employ clerical and other assistants, subject to the Civil Service Law. They shall perform their duties under the general supervision of the commissioner.

[ 1985, c. 785, Pt. B, §81 (AMD) .]

### SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1985, c. 785, §B81 (AMD).

## §13007. CERTIFICATION FEE; DISPOSITION OF FEES

**1. Fees.** The commissioner shall assess fees for initial and renewal of teacher, education specialist and administrator certificates. The fee is \$100 for the initial certification process for those teachers and education specialists found eligible and those found ineligible. A renewal fee of \$100 must be assessed for each active and inactive teacher and education specialist. The fee is \$200 for the initial certification process for those administrators found eligible and those found ineligible. A renewal fee of \$200 must be assessed for each active and inactive administrator. The commissioner shall assess a \$35 fee for each additional evaluation of teacher endorsements beyond the initial endorsement. A fee of \$15 must be assessed for duplicate certificates. A fee of \$300 must be assessed for administrative portfolios.

[ 2005, c. 457, Pt. FF, §1 (AMD) .]

**2. Accounting.** The commissioner shall:

A. Collect and account for all certificate fees; [2011, c. 702, §1 (AMD) .]

B. Report and pay fees collected pursuant to subsection 1, except those fees collected and credited to the National Board Certification Scholarship Fund pursuant to paragraph C and the National Board Certification Salary Supplement Fund pursuant to paragraph D, to the Treasurer of State to be credited to the General Fund; [2011, c. 702, §1 (AMD) .]

C. Report and pay \$50,000 in fiscal year 2012-13 and \$75,000 in fiscal year 2013-14 and each fiscal year thereafter from fees collected pursuant to subsection 1 to the Treasurer of State to be credited to the National Board Certification Scholarship Fund, Other Special Revenue Funds account within the Department of Education; and [2011, c. 702, §1 (NEW) .]

D. Report and pay no more than \$150,000 in fiscal year 2012-13, no more than \$240,000 in fiscal year 2013-14 and no more than \$335,000 in fiscal year 2014-15 from fees collected pursuant to subsection 1 to the Treasurer of State to be credited to the National Board Certification Salary Supplement Fund, Other Special Revenue Funds account within the Department of Education. [2011, c. 702, §1 (NEW).]

[ 2011, c. 702, §1 (AMD) .]

#### SECTION HISTORY

1991, c. 528, §15 (NEW). 1991, c. 528, §RRR (AFF). 1991, c. 591, §15 (NEW). 2005, c. 457, §FF1 (AMD). 2011, c. 702, §1 (AMD).

## §13008. EDUCATOR PREPARATION PROGRAM DATA

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Educator preparation program" means a public or private baccalaureate-level or postbaccalaureate-level program approved by the state board to recommend graduates for certification pursuant to chapter 502 as prekindergarten to grade 12 teachers, educational specialists or school leaders. [2011, c. 635, Pt. B, §1 (NEW).]

B. "Program completer" means a person who, by successfully completing all of an educator preparation program's requirements, has qualified for a recommendation for certification as a prekindergarten to grade 12 teacher, an educational specialist or a school leader. [2011, c. 635, Pt. B, §1 (NEW).]

[ 2011, c. 635, Pt. B, §1 (NEW) .]

**2. Data collection.** The department shall collect data relating to educator preparation programs, including but not limited to the following information with respect to each educator preparation program:

A. The number of program completers; [2011, c. 635, Pt. B, §1 (NEW).]

B. The number of program completers who pass certification tests and the number of those who attain provisional licensure in the State; [2011, c. 635, Pt. B, §1 (NEW).]

C. The number of program completers who proceed from provisional licensure to professional licensure; and [2011, c. 635, Pt. B, §1 (NEW).]

D. The number of program completers who are teaching in schools in this State 3 and 5 years after they complete that educator preparation program. [2011, c. 635, Pt. B, §1 (NEW).]

[ 2011, c. 635, Pt. B, §1 (NEW) .]

**3. Report.** The department shall annually report the data collected under this section to the Governor, the state board and the joint standing committee of the Legislature having jurisdiction over education matters.

[ 2011, c. 635, Pt. B, §1 (NEW) .]

#### SECTION HISTORY

2011, c. 635, Pt. B, §1 (NEW).

---

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 126th Maine Legislature and is current through August 1, 2014. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------